



MIKE PENCE, *Governor*  
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMha15070496

[REDACTED],  
Complainant,

v.

WALGREENS,  
Respondent.

### NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission,") pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice occurred in this instance. 910 IAC 1-3-2(b).

On July 6, 2015, [REDACTED] ("Complainant") filed a Complaint with the Commission against Walgreens ("Respondent") alleging discrimination on the basis of disability in violation of the Indiana Civil Rights Law (Ind. Code § 22-9, *et seq.*) and Title I of the Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101, *et seq.*) Accordingly, the Commission has jurisdiction over the parties and the subject matter of this Complaint. An investigation has been completed. Both parties have been given the opportunity to submit evidence. Based upon a full review of the relevant files and records and the final investigative report, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was subjected to a hostile work environment. In order to prevail, Complainant must show that: (1) she was subjected to offensive comments or actions in the workplace related to her disability; (2) the comments or actions were sufficiently severe or pervasive such that it would cause a reasonable person to resign their employment; (3) she made it known that the comments were unwelcome; and (4) Respondent failed to take action to address the hostile work environment. Complainant asserts sufficient facts to believe that she was subjected to a hostile work environment as alleged. Moreover, evidence shows that Respondent failed to fully participate in the investigation of the instant claims despite being given numerous opportunities to do so.

By way of background, Respondent hired Complainant as a shift lead in November 2014. At all times relevant to the Complaint, Complainant had a disability that impaired one or more major life activities. During the course of her employment, Complainant alleges that her manager told her that she should not work with the public because she may "snap," and that "no one really



wants you since...folks think you crazy.” Ultimately, Complainant resigned her employment after being told by her manager that she could choose between “dealing with the treatment” or tendering her resignation. Despite Respondent’s assertions, there is insufficient evidence to support its claims. Rather, evidence shows that Respondent failed to rebut Complainant’s assertions despite repeated requests from the Commission. Moreover, the Commission sent Respondent a subpoena requesting a response by September 23, 2015; however, Respondent failed to comply. As Complainant alleges sufficient facts to believe that a discriminatory practice occurred as alleged and Respondent failed to refute Complainant’s assertions, probable cause exists to believe that a discriminatory practice occurred as alleged.

A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. Ind. Code §22-9-1-18, 910 IAC 1-3-5. The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission’s Administrative Law Judge will hear this matter. Ind. Code § 22-9-1-16, 910 IAC 1-3-6.

November 9, 2015

Date

Akia A. Haynes

Akia A. Haynes, Esq.

Deputy Director

Indiana Civil Rights Commission